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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/943,060	08/30/2001	Paul H. Phibbs JR.	9391	8739	
26890	7590 11/18/2004		EXAMINER		
JAMES M. STOVER NCR CORPORATION			RUDY, ANDREW J		
	OKATION H PATTERSON BLVD, '	WHQ4	ART UNIT	ART UNIT PAPER NUMBER	
DAYTON,	OH 45479	•	3627		
			DATE MAILED: 11/18/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Summary	09/943,060	PHIBBS, PAUL H				
Conice Action Summary	Examiner	Art Unit	→			
The MAIL INC DATE of this communication com	Andrew Joseph Rudy	3627				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence ad	dress			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
 1) Responsive to communication(s) filed on 13 Au 2a) This action is FINAL. 2b) This 3) Since this application is in condition for allowar closed in accordance with the practice under E 	action is non-final. nce except for formal matters, pro		e merits is			
Disposition of Claims						
 4) ☐ Claim(s) 1-15 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-15 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or 		·				
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the Replacement drawing sheet(s) including the correction 11) The oath or declaration is objected to by the Examine 11.	epted or b) objected to by the Edrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CF	• •			
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of	s have been received. s have been received in Application ity documents have been received i (PCT Rule 17.2(a)).	on No ed in this National	Stage			
Attachment(s)	_					
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate	O-152)			

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DETAILED ACTION

1. Claims 1-15 are pending.

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2. Applicant's August 13, 2004 response has been received. Thus, it is concluded Applicant has no prior art that predates the filing date of the present application.

Drawings

3. The drawings objection under 37 CFR 1.83(a) is withdrawn pursuant to Applicant's February 11, 2004 REMARKS.

Claim Rejections - 35 USC § 103

4. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price et al. "College Accounting, Seventh Edition" (hereafter "Price")

Price discloses, e.g. pgs 28-41, 529,531, 966-982 (Fig. 27-5), a method measuring profit based on the factors of net interest revenue, other revenues (Fig. 27-5, line 4, "Operating Revenues"), direct expenses (Fig. 27-5, line 22, "Direct Expenses"), indirect expenses (Fig. 27-5, line 30, "Indirect Expenses"), and risk (Fig. 27-5, line 6, "Less Sales Returns and Allowances"), all set up to take advantage of flexible business rules.

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Official Notice is taken that performing financial processing using computer software is common knowledge in the art.

To have provided business rules to calculate known variations of one of the factors, e.g. earning on allocated equity, would have been obvious to one of ordinary skill in the art.

To have provided a method of performing financial processing for an account using software for a computer measuring profit based on the factors of net interest revenue, other revenues, direct expenses, indirect expenses and risk, all set up to take advantage of flexible business rules the business rules to calculate known variations of one of the factors, e.g. risk provisions, would have been obvious to one of ordinary skill in the art. Doing such would incorporate common knowledge data along with common knowledge software.

Applicant's August 13, 2004 and February 11, 2004 REMARKS have been reviewed, but are not moot in light of the new rejection. In short, Applicant's profitability calculations are common knowledge variance for defining total income less total expenses. The account, event and organization attributes, e.g. future losses, direct and indirect expenses, claimed have been common knowledge criteria used within the business community for a period of time far exceeding Applicant's filing date. To have incorporated such common knowledge in the profitability calculations for Price, as modified by Official Notice, would have been obvious to one of ordinary skill in the art.

5. Further pertinent reference of interest is noted on the attached PTO-892.

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6. Applicant's October 31, 2004 Information Disclosure Statement has been reviewed.

Note the attached PTO-1449.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anohew Joseph Froly